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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,419	06/17/2005	Katsuhiko Hiramatsu	L9289.05147	8011

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/539,419	Applicant(s) HIRAMATSU, KATSUHIKO	
	Examiner Tilahun B. Gesesse	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,7-10 and 12 is/are allowed.
- 6) ☐ Claim(s) 3 and 11 is/are rejected.
- 7) ☐ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al US pat. No. 6,351,650 in view of Lakkinen (US 5,839,056).

Claim 3. Lundby teaches a communication terminal apparatus (see fig. 1 and 4) comprising:

Lundby teaches a reception section that receives transmit power control commands sent from a plurality of base station apparatuses (col. 3, lines 19-39).

Lundby teaches a transmission section that transmits base station selection information that notifies the selected main base station apparatus (see col. 3 line 53-col. 4 ,line 14 and figs.1-2).

Lundby teaches a selector at the central network, not at the communication terminal.

However, Lakkinen teaches a selection section that selects a main base station apparatus having the best channel condition based on said received transmit power control commands (col. 6 line 40-col. 7, line 25 and fig. 3). Then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to select the base station with best signal strength, in Lundby system ,as evidenced by Lakkinen, in order to handoff based on power control history data to the base station with strong signal strength and avoid weak signal interfering from previous base station.

Claim 11, Lundby teaches a radio communication method used in a communication terminal apparatus,(see figs. 1 and 4),Comprising:

Lundby teaches receiving power transmit power control commands transmitted from a plurality of base station apparatuses (see col. 3 ,lines 19-39).

Lundby teaches transmitting base station selection information notifying the selected main base station apparatus (see col. 3, line 53-col. 4, line 14 and figs. 1-2).

Lundby teaches a selector at the central network, not at the communication terminal.

However, Lakkinen teaches a selection section that selects a main base station apparatus having the best channel condition based on said received transmit power control commands (col. 6 line 40-col. 7, line 25 and fig. 3). Then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to select the base station with best signal strength, in Lundby system ,as evidenced by Lakkinen, in order to handoff based on power control history data to the base station with strong signal strength and avoid weak signal interfering from previous base station.

Allowable Subject Matter

4. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-2,7-10 and 12 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach a transmission section that transmits a signal using an error coding scheme and modulation scheme notified from the selected main base station apparatus.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hakkinen teaches the control adapted to compare the measured values with target values by utilizing a predetermined mathematical formula either transmit a power up command or a power down command to the mobile station and selector (col. 5 ,lines 25-62 and fig.3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

7/27/06


TILAHUN GESESSE
PRIMARY EXAMINER